


FILED
JUN 12 2013

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

KENNETH BOYD SHANKLE,)	CASE NO. 5:13CV00048
)	
Plaintiff,)	
)	
v.)	<u>REPORT AND RECOMMENDATION</u>
)	
JOHN B. THOMAS,)	By: B. WAUGH CRIGLER
)	U.S. MAGISTRATE JUDGE
Defendant.)	

On April 18, 2013, plaintiff filed this action under 42 U.S.C. § 1983. On May 10, 2013, defendant filed a motion to dismiss for failure to state a claim. On May 13, 2013, a Roseboro notice was electronically filed and a copy was mailed to plaintiff's last known address. (Dkt. No. 7.) The Roseboro notice instructed plaintiff to respond by June 6, 2013 and warned him that a failure to respond may result in dismissal for failure to prosecute. This case was referred to the undersigned on May 14, 2013 under authority of 28 U.S.C. § 636(b)(1)(B) to render to the presiding District Judge a report setting forth appropriate findings, conclusions, and recommendations for the disposition of all dispositive motions. Plaintiff has failed to respond to the motion despite the court's warning. Accordingly, it hereby is

RECOMMENDED

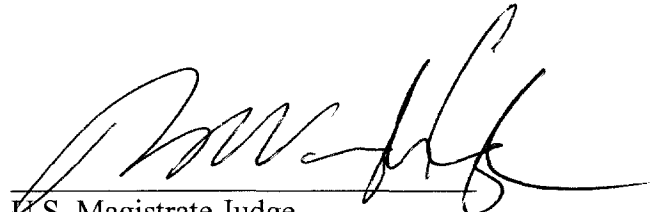
that plaintiff's Complaint be DISMISSED for failure to prosecute.

The Clerk is directed to immediately transmit the record in this case to the presiding United States District Judge. Both sides are reminded that pursuant to Rule 72(b), they are entitled to note objections, if any they may have, to this Report and Recommendation within fourteen (14) days hereof. Any adjudication of fact or conclusion of law rendered herein by the undersigned not specifically objected to within the period prescribed by law may become

conclusive upon the parties. Failure to file specific objections pursuant to 28 U.S.C.

§ 636(b)(1)(C) as to factual recitations or findings as well as to the conclusions reached by the undersigned may be construed by any reviewing court as a waiver of such objection. The Clerk is directed to transmit a certified copy of this Report and Recommendation to all counsel of record and to plaintiff at his last known address.

ENTERED:


U.S. Magistrate Judge

6/12/13
Date